

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

WASHBISH,

Petitioner,

-against-

**INTERNATIONAL BUSINESS MACHINES
CORP.,**

Respondent.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#:
DATE FILED: 4/17/2023

23-cv-03013 (ALC)

ORDER

ANDREW L. CARTER, JR., United States District Judge:

On April 10, 2023, Petitioner Gail Washbish (“Petitioner”) filed a Petition to vacate an arbitration award commencing this action against Respondent International Business Machines Corporation (“Respondent”). Petitioner filed her Petition with redactions. ECF No. 1. The Petitioner also filed a motion to vacate the arbitration award and accompanying exhibits on April 10, 2023. *See* ECF No. 3. The motion contains many redactions. *Id.* On the same day the Petition and motion were filed, Petitioner separately filed a motion to provisionally seal portions of the petition and motion. ECF No. 4. Petitioner explains that “pursuant to the confidentially provision in Defendant IBM’s arbitration agreement, Petitioner is filing the Petition, motion, and exhibits under seal and request that the documents remain under seal until the parties have the opportunity to confer which documents if any should remain under seal during the pendency of this matter.” *Id.* Petitioner has not filed the proposed sealed documents under seal.

Petitioner appears to have only filed a redacted version of the Petition. ECF No. 1. Under this District Court’s Electronic Case Filing Rules & Instructions, a party seeking to redact their complaint in an otherwise publicly available case is instructed to file a proposed sealed Complaint in unredacted format for filing under seal *and* a proposed sealed Complaint in redacted format for public filing. *See* ECF Rule Section 6.14(b). Petitioner must comply with this rule. The Petitioner is

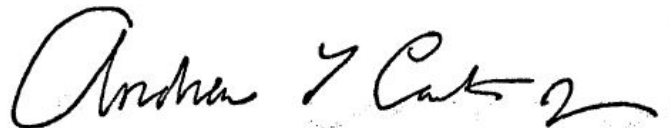
also directed to adhere to ECF Rule Section 14.2. As to the motion and the exhibits that Petitioner plans to attach to the motion, Petitioner is directed to adhere to this Court's Individual Practices, which instructs that "the proposed sealed document must be contemporaneously filed under seal in the ECF system and electronically related to the motion." *See* Rule 6(c) of the Individual Practices of Andrew L. Carter, Jr.

The Court acknowledges that the Petitioner has filed a motion seeking provisional permission to file these documents under seal so that the parties can later confer on, and potentially litigate, the issue of whether certain documents warrant sealing. ECF No. 4. However, at this juncture, the Petitioner is directed to adhere to this District Court's Electronic Case Filing Rules & Instructions and this Court's Individual Practices as to the documents it wishes to file under seal or with redactions. Petitioner is directed to re-file her motion to seal in compliance with the rules mentioned previously on or by **April 21, 2023**.

Separately, on April 17, 2023 Respondent filed a letter motion to extend the deadline to respond to the Petition, motion to vacate, and the motion to seal until May 8, 2023. ECF No. 9. Respondent explains that its current deadline to respond to the Petition and motions is April 24, 2023. Respondent's request as to an extension of time is hereby **GRANTED**. Petitioner has yet to file proof of service and is **ORDERED** to do so on or by **April 21, 2023**. The Clerk of the Court is respectfully directed to terminate the pending motions at ECF Nos. 4 and 9.

SO ORDERED.

Dated: April 17, 2023
New York, New York

A handwritten signature in black ink, appearing to read "Andrew L. Carter, Jr.", written over a horizontal line.

ANDREW L. CARTER, JR.
United States District Judge